

## APPENDICES

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## **APPENDIX A: APPLICATION THRESHOLD REVIEW**

Applications will be reviewed based on the following threshold criteria.

### ***Criterion***

Housing Element & Growth Control Compliance

Eligible Public Service Activity(s) and/or Economic Development Activity

Activity(s) meets HUD Urgent Need Activity benefiting Low Income

Original or Certified Copy of Resolution of the governing body

Application Forms completed and signed (Blue Ink)

Correctly Signed Statement of Assurances (1/15/04)

Completed & Signed OMB Circular A-133 Form

Signed Joint Powers Agreement  
(if it is a joint application)

Sample Draft Disaster Assistance Plan

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE FREEZE ALLOCATION OF THE STATE CDBG PROGRAM.

BE IT RESOLVED by the (City Council/County Board of Supervisors) of the (City/County) of \_\_\_\_\_ as follows:

SECTION 1.

The City (or County) Council has reviewed and hereby approves an application for up to \$\_\_\_\_\_ for the following activities:

(list activity titles and the entire dollar amount of each activity BUT do not breakout activity delivery)

SECTION 2.

The City (Or County) has determined that federal Citizen Participation requirements were met during the development of this application.

SECTION 3.

The City (or County) hereby approves the use of (Source of funds) in the amount of \$\_\_\_\_\_ to be used as the City's/County's leverage for this application.

SECTION 4.

The (title of designated official[s]) \_\_\_\_\_ is hereby authorized and directed to act on the City's (or County's) behalf in all matters pertaining to this application.

SECTION 5.

If the application is approved, the (title of designated official[s]) \_\_\_\_\_ is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

PASSED AND ADOPTED at a regular meeting of the City/County Council of the City (or County) of

\_\_\_\_\_ held on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Name and Title  
City Council/Board of Supervisors

STATE OF CALIFORNIA

City/County of \_\_\_\_\_

I, \_\_\_\_\_, City/County Clerk of the City/County of \_\_\_\_\_,  
State of California, hereby certify the above and foregoing to be a full, true and correct  
copy of a resolution adopted by said City Council/Board of Supervisors on this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name, City/County Clerk of the City/County of  
\_\_\_\_\_, State of California

By: \_\_\_\_\_  
Name, Title

## APPENDIX C: STATEMENT OF ASSURANCES

**Applicants must submit the Statement of Assurances form with the January 15, 2004 (1/15/04) revision date with the application.** If an award is made, the grantee must assume responsibility for compliance with state, federal, and applicable local laws and regulations that apply to the expenditure of state CDBG funds.

Program regulations require the applicant to assure that the jurisdiction and all Subrecipient's will comply with all applicable state and federal requirements. Some requirements pertain to all local CDBG activities such as audits and procurement standards while others are specific to certain activities, such as relocation law and labor standards.

The Statement of Assurances form with the 1/15/04 revision date includes all currently-required provisions. The Statement of Assurances must be signed by the jurisdiction's Chief Executive Officer, regardless of any signatory designation in the governing body's resolution authorizing submission of the application.

The following is the Statement of Assurances Form. Earlier versions of the Statement of Assurances will not be accepted.

**STATEMENT OF ASSURANCES (Revised January 15, 2004)**

The City/County of \_\_\_\_\_ hereby assures and certifies that:

1. It possesses legal authority to apply for the grant and to execute the proposed program.
2. Its governing body has duly adopted or passed as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.
3. It has or will comply with all citizen participation requirements, which include, at a minimum, the following components:
  - a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
  - b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title;
  - c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
  - d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal;
  - e. Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and
  - f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can reasonably be expected to participate.

4. The CDBG Program has been developed so as to primarily benefit targeted income persons and households, and each activity in the program meets one of the three national objectives: benefit to low and moderate income persons, elimination of slums and blight, or meets an urgent community need certified by the grantee as such.
5. Consents to assume the responsibilities for environmental review and decision-making in order to ensure compliance with NEPA by following the procedures for recipients of block grant funds as set forth in 24 CFR, Part 58, entitled "Environmental Review Procedures for Title I Community Development Block Grant Programs." Also included in this requirement is compliance with Executive Order 11988 relating to the evaluation of flood hazards, and Section 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) regarding purchase of flood insurance, and the National Historic Preservation Act of 1966 (16 USC 470) and implementing regulations (36 CFR 800.8).
6. Consents to assume the role of either Lead Agency as defined by Section 21067 of the California Public Resources Code, or if another agency is or will be designated Lead Agency, it consents to assume the role of Responsible Agency as defined by Section 21069 of the California Public Resources Code, in order to ensure compliance with CEQA.
7. Has resolved any audit findings or performance problems for prior CDBG grants awarded by the State.
8. Certifies that there is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because:
  - a. Imposes a moratorium on residential construction, to protect the health and safety, for a specified period of time which will end when the public health and safety is no longer jeopardized; or
  - b. Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the Government Code; or
  - c. Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or
  - d. The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code; or
  - e. The use of the funds applied for in this application is restricted for housing for the targeted income group.
9. Will comply with the regulations, policies, guidelines, and requirements of OMB Circular Numbers A-87, A-133, A-122, and 24 CFR Part 85, where appropriate, and the State CDBG regulations.

10. Shall comply with the following regarding nondiscrimination:
  - a. Title VI of the Civil Rights Act of 1964 (Public Law 88-352).
  - b. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing.
  - c. Section 109 of the Housing and Community Development Act of 1974, as amended.
  - d. Section 3 of the Housing and Urban Development Act of 1968, as amended.
  - e. Executive Order 11246, as amended by Executive Orders 11375 and 12086.
  - f. Executive Order 11063, as amended by Executive Order 12259.
  - g. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.
  - h. The Age Discrimination Act of 1975 (Public Law 94-135).
  - i. The prospective contractor's signature affixed hereon and dated shall constitute a certification under the penalty of perjury under the laws of the State of California that the bidder has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations, Section 8103.
11. Will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.) and certifies that will follow the state's residential anti-displacement and relocation plan located in Appendix L of the State's 2005-2010 Consolidated Plan. The Plan can be found at: <http://www.hcd.ca.gov/hpd/hrc/rep/fed/conplan05-10final.pdf>.
12. Will comply with the following regarding labor standards:
  - a. Section 110 of the Housing and Community Development Act of 1974, as amended.
  - b. Section 1720 et seq. of the California Labor Code regarding public works labor standards.
  - c. Davis-Bacon Act as amended (46 U.S.C. 276a) regarding prevailing wage rates.
  - d. Contract Work Hours and Safety Standards Act (40 USC 327-333) regarding overtime compensation.
  - e. Anti-Kickback Act of 1934 (18 USC 874) prohibiting "kickbacks" of wages in federally assisted construction activities.



13. Will comply with the Architectural Barriers Act of 1968 (42 USC 4151) and implementing regulations (24 CFR Part 40-41).
14. It will enforce standards of conduct that govern the performance of its officers, employees, and agents engaged in the administration of contracts funded in whole or in part by the CDBG Program (Section 7120(d) of the State regulations).
15. Will comply with the Hatch Act (5 USC 1501 et seq.) regarding political activity of employees.
16. Will comply with the Lead-Based Paint Regulations (24 CFR Part 35) which prohibits the use of lead-based paint on projects funded by the program.
17. Will not award contracts to, or otherwise engage the services of any contractor while that contractor (or its principals) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any proposal submitted in connection with the CDBG program under the provisions of 24 CFR part 24.
18. Will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.
19. Will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by targeted income persons unless:
  - a. CDBG funds are used to pay the proportion of such assessment that relates to non-CDBG funding or
  - b. for the purposes of assessing properties owned and occupied by targeted income persons who are not of the lowest targeted income group, it does not have sufficient CDBG funds to comply with the provisions of a. above.
20. Will adopt and enforce policies
  - a. prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations and
  - b. enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

The certification is made under penalty of perjury under the laws of the State of California.

CERTIFYING OFFICIAL: \_\_\_\_\_  
(Chief Administrative Executive—enter exact title of person signing)

\_\_\_\_\_  
Signature Date

## APPENDIX D: OMB CIRCULAR A-133

### COMPLIANCE WITH OMB CIRCULAR A-133

Office of Management and Budget (OMB) Circular A-133 is used pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156. It sets forth the standards for obtaining consistency and uniformity among Federal agencies for the audit of states, local governments, and non-profit organizations expending Federal awards. Cities and counties not exempted from the requirements of OMB Circular A-133 must submit their audits to the State Controller. Non-profit organizations not exempted must submit their audits to the California Department of Housing and Community Development.

Pursuant to the requirements of OMB Circular A-133, please check the appropriate box(s) and certify at the bottom of the page:

☐ The \_\_\_\_\_ (name of entity) has expended more than \$500,000 in Federal funds in fiscal year 2005/2006 and is required to conduct a single audit or program specific audit for this year in accordance with the provisions of OMB Circular A-133.

☐ The audit has been completed and has been submitted to the appropriate control agency.

☐ The audit has not been completed. It is anticipated that the audit will be completed and submitted to the appropriate control agency by: \_\_\_\_\_ (date).

☐ The \_\_\_\_\_ (name of entity) has expended less than \$500,000 in federal funds in fiscal year 2005/2006 and is exempt from the requirements of OMB Circular A-133. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the General Accounting Office.

I certify on behalf of \_\_\_\_\_, (name of entity) that the above is a true and accurate statement.

\_\_\_\_\_  
(Printed name and title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date signed)

## APPENDIX E: SAMPLE JOINT POWERS AGREEMENT

Under State regulation 7062.1 (d), two or more applicants may jointly apply for planning grant funds to study one activity which would serve the residents of all their local citizens and serve the community development needs of each of the applicants. Under a joint application, two or more applicants may apply for up to \$35,000 each for a project specific study or \$35,000 each for a non specific planning study. The cost of the single planning study must exceed the \$35,000 maximum per jurisdiction in order for a joint application to be submitted.

**For example:** The City of ABC wants to develop a homeless shelter to meet the needs of their community and the shelter would also provide homeless services to persons in the county and help the county with their needs, then a joint application may be submitted.

The joint application is like combining separate city and county applications together so a joint application will save some time and effort. The State will generate one grant contract for the application. One of the applicants must be designated as the lead agency and take responsibility for grant reporting and implementation.

Joint applications require that all the separate applicants enter into a joint powers agreement or Memorandum of Understanding. If a joint application is being considered then contact the appropriate state CDBG representative for a SAMPLE JOINT POWERS AGREEMENT.

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An Agreement is required by the CDBG Regulations, Section 7060(c) as part of an application on behalf of another jurisdiction or for joint applications. Applicants must prepare an Agreement if the following conditions exist:

- if one application is submitted by two or more jurisdictions, or
- if a county is applying on behalf of a city in the same county, or
- if a county applicant is applying on behalf of itself and a city in the same county

Section 7060(c) provides that such agreements must be on forms provided by the Department. Contact your CDBG Representative to obtain a copy.

Additional provisions may be added by applicants either by Appendix to the agreement or by typing additional provisions or exceptions into the spaces provided on the form. Space has been left between each paragraph for applicants to modify any provisions to fit the applicant's particular situation. The applicant should enter "not applicable" if a provision clearly has no meaning in light of the activities proposed. Do not leave any lines blank.

If the applicant proposes to create a separate Joint Powers agency, the Department must be consulted regarding the inclusion of legal requirements.

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## APPENDIX F: SAMPLE PUBLIC HEARING NOTICES

### **NOTICE OF PUBLIC HEARING FOR DESIGN PHASE** **(SAMPLE)**

NOTICE IS HEREBY GIVEN that the city/county of \_\_\_\_\_ will conduct a public hearing on \_\_\_\_\_, 2007, at 6:00 p.m. at the city/county offices room, \_\_\_\_\_ Street, \_\_\_\_\_, CA to discuss the Fiscal Year 2006-2007 Community Development Block Grant Program Freeze Allocation Notice of Funding Availability and submission of the application to be submitted.

Maximum award limits include a total of \$ 300,000 from the General and Economic Development Components combined.

The major activity categories are Public Services for the General CDBG Program and Business Assistance for Economic Development. Activities funded with CDBG funds must meet at least one of the following National Objectives: Benefit to those impacted by the freeze and Targeted Income Group (TIG) persons.

The \_\_\_\_\_ department on behalf of the city/county of \_\_\_\_\_ anticipates applying for the maximum grant amount of \$300,000 under the General and Economic Development Components. The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the city/county of \_\_\_\_\_, \_\_\_\_\_ department, \_\_\_\_\_ Street, \_\_\_\_\_, CA 9\_\_\_\_ or you may telephone Mr./Ms. \_\_\_\_\_ at ( \_\_\_\_\_ ) \_\_\_\_\_. In addition, general CDBG information is available for your inspection at the above office address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays in the public information file.

The city/county promotes fair housing and makes all programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status, familial status (children), or handicap.

Published \_\_\_\_\_, 2007

**Appendix G: Sample Disaster Relief Plan**  
**Use City/County Letterhead**

**Please state how the money will be spent:**

**List the eligible public services or economic development activities that will be undertaken with this grant:**

**Please provide a timeline and how funds will be distributed:**

**Provide a description of the public service /economic development activity and the entity that will carry out the plan:**

## **APPENDIX H: For Economic Development only**

### **Guidelines for Freeze Disaster Business Assistance Loan Program**

Jurisdictions are encouraged to develop guidelines that meet the needs of their business community in addition to meeting CDBG requirements. The guidelines should include the following items:

1. The intent of this program, which is to assist businesses that have closed or are in danger of closing.
2. The job retention requirement. In this case the jobs that will be saved as a result of CDBG assistance.
3. The CDBG National Objective to be met (TIG Benefit or prevention or elimination of Slums or Blight)
4. Underwriting Criteria
5. Maximum Loan Amount
6. Allowable Costs
7. Timed release of funds using an escrow account (if applicable).